

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1), (2), and (3) of subsection (a) shall take effect on October 1, 1997.

Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

SEC. 731. AUTHORITY TO WAIVE CHAMPUS EXCLUSION REGARDING NONMEDICALLY NECESSARY TREATMENT IN CONNECTION WITH CERTAIN CLINICAL TRIALS.

(a) WAIVER AUTHORITY.—Paragraph (13) of section 1079(a) of title 10, United States Code, is amended—
(1) by striking out "any service" and inserting in lieu thereof "Any service";
(2) by striking out the semicolon at the end and inserting in lieu thereof a period; and
(3) by adding at the end the following: "Pursuant to an agreement with the Secretary of Health and Human Services and under such regulations as the Secretary of Defense may prescribe, the Secretary of Defense may waive the operation of this paragraph in connection with clinical trials sponsored or approved by the National Institutes of Health if the Secretary of Defense determines that such a waiver will promote access by covered beneficiaries to promising new treatments and contribute to the development of such treatments."

(b) CLERICAL AMENDMENTS.—Such section is further amended—
(4) in the matter preceding paragraph (1), by striking out "except that—" and inserting in lieu thereof "except as follows";
(5) by capitalizing the first letter of the first word of each of paragraphs (1) through (17);
(6) by striking out the semicolon at the end of each of paragraphs (1) through (12) and paragraphs (14) and (15) and inserting in lieu thereof a period; and
(7) in paragraph (16), by striking out "; and" and inserting in lieu thereof a period.

SEC. 732. EXCEPTION TO MAXIMUM ALLOWABLE PAYMENTS TO INDIVIDUAL HEALTH-CARE PROVIDERS UNDER CHAMPUS.

Section 1079(h) of title 10, United States Code, is amended

—
(8) by redesignating paragraph (5) as paragraph (6);
and
(9) by inserting after paragraph (4) the following new paragraph—

"(5) In addition to the authority provided under paragraph (4), the Secretary may authorize the commander of a facility of the uniformed services, the lead agent (if other than the commander), and the health care contractor to modify the payment limitations under paragraph (1) for certain health care providers when necessary to ensure both the availability of certain services

for covered beneficiaries and lower costs than
would otherwise
be incurred to provide the services."

**SEC. 733. CODIFICATION OF ANNUAL AUTHORITY TO
CREDIT
CHAMPUS REFUNDS TO CURRENT YEAR APPROPRIATION.**

(a) CREDITS TO CHAMPUS ACCOUNTS ~~(1)~~ Chapter
55 of title
10, United States Code, is amended by inserting after
section 1079
the following new section: